

## **REMARKS**

### **I. Prior art Rejections of the Claims**

#### **(a) Claim Rejections under 35 USC § 103(a)**

Applicants note that the Examiner did not find persuasive Applicants' arguments presented in the previously filed response. In the final Office Action, the Examiner provided substantially the same basis for rejecting the claims as provided in the prior office action.

As explained below, Applicants respectfully disagree with the Examiner's assessment of the state of the art at the time the present application was filed. Accordingly, Applicants traverse the rejections for the reasons provided below. Applicants are including with this response documentation that speaks to the state of the art at the time the present application was filed. Reconsideration and allowance of the claims are respectfully requested.

Under item 2 on page 2 of the Office Action, claims 25-28, 31, 32, 34-37, 39, 41-44, 47, 49, 50 and 51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Hsu et al.* (US 6,555,467) in view of *Avanzino* (US 2003/0218253).

Under item 51 on page 8 of the Office Action, claim 40 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Hsu* in view of *Avanzino* and in further view of *Ibanbeljalil* (US 6,365,958).

Under item 57 on page 8 of the Office Action, claim 46 has been rejected under 35 U.S.C. 103 (a) as being unpatentable over *Hsu* in view of *Avanzino* and further in view of *Ito* (US 2003/0218253).

Under item 63 on page 9 of the Office Action, claim 48 has been rejected under 35 U.S.C. 103 (a) as being unpatentable over *Hsu* in view of *Avanzino* and further in view of *Brown* (US 6,030,896).

Under item 69 on page 10 of the Office Action, claim 45 has been rejected under 35 U.S.C. 103 (a) as being unpatentable over *Hsu* in view of *Avanzino* and further in view of *Leu* (US 6,605,874).

#### **(b) Applicants' Response**

In the final Office Action, it is mentioned that the feature that the first region is made of a decomposable and photopatternable material is anticipated by (i.e., disclosed in) *Hsu*.

In this context it is alleged that in col. 2, lines 20-30 of *Hsu*, the material Unity<sup>TM</sup> is described, which would be a photopatternable material according to the Examiner's opinion.

We disagree with the Examiner's opinion.

Firstly, Unity<sup>TM</sup> is the name of a group of a plurality of different materials having very different physical and chemical characteristics.

Although Unity<sup>TM</sup> is mentioned in *Hsu*, which was filed in September 28, 2001, the members of the group Unity<sup>TM</sup> mentioned in *Hsu* did not include photopatternable materials, because photopatternable members of the group Unity<sup>TM</sup> were not disclosed until 2003, as the inventor assures.

To substantiate our assertion, we refer to the scientific document "Improved fabrication of micro air-channels by incorporation of a structural barrier" (published 2004), submitted herewith and incorporated into this Response, wherein Unity 4411 is explicitly described as a non-photosensitive material, see page 36. In this context, reference [9] (Bhusari D, Reed H A, Welake M, Padovani A, Bidstrup-Allen S A and Kohl Pa 2001) is cited, which has been disclosed in 2001 and represents the state of the art as it has been known by *Hsu* before filing the cited reference in September 29, 2001. The undersigned attests that the attached document is a true copy of the original.

In contrast thereto, as the inventor assures, photopatternable materials like Unity 2207 were not disclosed until 2003. Hence, it is clear that at the point of time of the priority of the application, which is June 20, 2002, a person skilled in the art, reading *Hsu*, could not have contemplated that the members of the group Unity<sup>TM</sup> included a photopatternable material.

Hence, Applicants respectfully assert that claim 25 is not anticipated by nor non-obvious over *Hsu*, either alone or in any combination with the other cited references.

Accordingly, Applicants respectfully request that the rejection of claim 25 be withdrawn.

Claim 42 and amended claim 51 also recite that the material is photopatternable. Support for amended claim 51 is at least in paragraph 32 of the present application. No new matter has been added.

For the reasons provided above for claim 25, claims 42 and 51 are believed allowable. In addition, dependent claims 26 to 32, 34 to 41 and 43 to 50 are believed novel and non-obvious in the light of *Hsu* either alone or in any combination with the other cited references.

## **II. Conclusion**

In view of the foregoing, reconsideration and allowance of currently pending claims 25 to 32 and 34 to 51 are solicited.

**BRINKS**  
**HOFER**  
**GILSON**  
**& LIONE**

Respectfully submitted,

/John R. Lagowski/  
John R. Lagowski  
Registration No. 41,922  
Attorney for Applicant